REMARKS

This amendment is in response to the Final Official Action mailed January 16, 2004. An RCE accompanies this response. In the present paper, Applicant has amended claims 3, 4, 6, 8, 13, 14, 16, 18, 21 and 22. Claims 3-10 and 13-22 are now presented for the Examiner's consideration in view of the following remarks:

The Examiner has rejected all claims in the present application under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,324,184 to Hou et al. (Hou) in view of U.S. Patent No. 6,377,548 to Chuah (Chuah) and further in view of U.S. Patent No. 6,072,773 to Fichou (Fichou).

The Present Application

The present application is directed to a system and method for regulating traffic in a network. A portion of the total network transmission capacity is made unavailable, and thereby held as reserve capacity. The reserve capacity is not "reserved" for a particular user, but is instead created as an uncommitted percentage of maximum capacity so that it can be released when appropriate to regulate network traffic. The technique does not change the access protocols associated with any of the connections (present spec., p. 2, lines 19-25).

The reserve capacity is made unavailable to end users by using contention signals that already exist in the media access protocols. The contention signals are ordinarily used to indicate that an end user desires access to the media. Those signals may include, for example, collision signals used in a star configuration (spec., p. 3, line 17 – p. 4, line 3; FIG. 2) and access bits used in a line-tap configuration (spec., p. 4, line 4 – p. 7, line 2; FIGS. 3-7). In the present

invention, those contention signals are used without an end user desiring access to the media. Instead, the contention signals are used to block users from access.

Because the presently claimed system uses contention signals that already exist in the media access protocols, it can implemented over networks with pre-existing network traffic control techniques. The technique of the presently claimed invention to make unavailable an amount of capacity can overlay those media access mechanisms without the inherent complexities of integrating with those systems (spec., p. 1, lines 6-10; p. 2, lines 12-25). Examples of media access mechanisms that can be overlaid by the presently claimed invention include those disclosed in Hou and in Fichou.

Remarks

Applicants have amended claims 21 and 22 by removing the amendments made in the previous Response, and adding language making clear the nature of the signals asserted by the MACs. Other claims have been amended to make terminology consistent.

The independent claims now require that the media access protocol include a contention signal used to indicate that a particular user seeks access to the media, and that the reserve capacity be made unavailable by asserting the contention signal when no particular user seeks access.

Applicants assert that such a system is not taught by any of the art of record. For at least that reason, Applicants respectfully submit that amended claims 21 and 22 are patentable over the art cited by the Examiner.

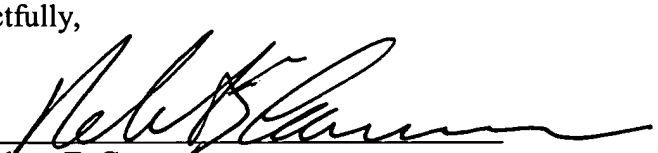
Applicants further respectfully assert that dependent claims 3-10 and 13-20 are patentable because they depend from claims 21 and 22, respectively, and therefore incorporate the limitations of those claims.

Conclusion

Applicants therefore submit that none of the claims presented in the case are anticipated by or obvious over the relevant art, and assert that claims 3-10 and 13-21 are now in condition for allowance. Applicants earnestly request that the Examiner issue a Notice of Allowance.

Should the Examiner have any questions regarding the present case, the Examiner should not hesitate to contact the undersigned at the number provided below.

Respectfully,

By 

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